

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION

This Document Relates To:

ALL PENDING CASES

MDL No. 2817

Case No. 18-cv-00864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**STATEMENT BY AUTHENTICOM AND CDK CONCERNING EFFECT OF
SETTLEMENT ON PENDING MDL MOTIONS**

On October 28, 2020, Plaintiff/Counter-Defendant Authenticom, Inc. (“Authenticom”) and Defendant/Counter-Plaintiff CDK Global, LLC (“CDK”) dismissed their claims and counterclaims against each other in the above-referenced litigation with prejudice. Dkt. 1199. The parties to this MDL have filed a number of overlapping motions against each other in the *Authenticom* case and the other MDL cases. For the Court’s convenience, therefore, Authenticom and CDK submit the following table reflecting, in their view, the settlement’s effect, if any, on these currently pending motions.

Dkt.	Movant(s)	Short Title of Motion	Opposing Party(s)	Effect of Settlement
543	CDK	Motion to Compel Production of Documents from AutoLoop and Cox Automotive	AutoLoop Cox	None
773	CDK Reynolds	Motion to Bar New Conspiracy Theory	Authenticom AutoLoop Dealers	CDK: Moot as to Authenticom; remains pending as to AutoLoop and Dealers Reynolds: None (remains pending as to Authenticom)
777	Reynolds	Motion for Partial Summary Judgment (Counterclaims)	Authenticom	None
787	Reynolds	Motion to Bar MVSC's New Claims	MVSC	None
859	Authenticom AutoLoop Dealers	Motion to Exclude Edward Stroz	CDK Reynolds	Authenticom: Moot as to CDK; remains pending as to cybersecurity opinions (Part II of motion) as to Reynolds AutoLoop: None (remains pending as to cybersecurity opinions (Part II of motion)) Dealers: None (remains pending as to opinions on CAPTCHA/Profile Manager (Part I.B & I.C of motion) and as to cybersecurity opinions (Part II of motion))

Dkt.	Movant(s)	Short Title of Motion	Opposing Party(s)	Effect of Settlement
863	Reynolds	Motion to Exclude Gordon Klein	MVSC	None
867	Authenticom AutoLoop MVSC Dealers	Motion to Exclude Daniel Rubinfeld	CDK Reynolds	Authenticom: Moot as to CDK; remains pending as to Reynolds AutoLoop: None MVSC: None (remains pending as to Reynolds) Dealers: None (remains pending as to damages opinions concerning Dealers (Part I and Part III.B-D of motion))
873	Authenticom AutoLoop Dealers	Motion to Exclude Kevin Murphy	CDK	Authenticom: Moot AutoLoop: None Dealers: None
877	CDK Reynolds	Motion to Exclude Mark Israel	Authenticom AutoLoop MVSC	CDK: Moot as to Authenticom; remains pending as to AutoLoop Reynolds: None (remains pending as to Authenticom and MVSC)
879	CDK Reynolds	Motion to Exclude Catharine Lawton	Authenticom	CDK: Moot Reynolds: None

Dkt.	Movant(s)	Short Title of Motion	Opposing Party(s)	Effect of Settlement
881	CDK	Motion to Exclude Michael Williams	Dealers	None
883	CDK Reynolds	Motion to Exclude Allan Stejskal	Authenticom AutoLoop Dealers MVSC	CDK: Moot as to Authenticom; remains pending as to AutoLoop and the Dealers Reynolds: None (remains pending as to Authenticom and MVSC)
885	CDK Reynolds	Motion to Exclude Nancy Miracle	Authenticom	CDK: Moot Reynolds: None
887	CDK Reynolds	Motion to Exclude Brian Halpin	Authenticom AutoLoop MVSC	CDK: Moot as to Authenticom; remains pending as to AutoLoop Reynolds: None (remains pending as to Authenticom and MVSC)
925	Reynolds	Motion for Leave to Amend Answer and Affirmative Defenses	MVSC	None
949	AutoLoop	Motion for Summary Judgment (Counterclaims)	CDK	None
954	Reynolds	Motion for Summary Judgment	MVSC	None

Dkt.	Movant(s)	Short Title of Motion	Opposing Party(s)	Effect of Settlement
963	Dealers	Motion for Summary Judgment (Counterclaims)	CDK	None ¹
964	CDK Reynolds	Motion for Summary Judgment	Authenticom	CDK: Moot, except insofar as CDK incorporates arguments in the Authenticom summary judgment motion in CDK's separate summary judgment motions against the Dealers and AutoLoop (Dkt. 967 and Dkt. 970) Reynolds: None (remains pending)
967	CDK	Motion for Summary Judgment	AutoLoop	None
970	CDK	Motion for Summary Judgment	Dealers	None
976	Authenticom	Motion for Summary Judgment (Counterclaims)	CDK Reynolds	CDK: Moot as to CDK, except insofar as the Dealers incorporate Authenticom's arguments in their separate summary judgment motion (Dkt. 963) Reynolds: None (remains pending)
1147	Cox	Motion to Amend Confidentiality Order	CDK	None

¹ Dealers have informed CDK that they “may seek leave to file supplemental briefing concerning impact of CDK-Authenticom settlement on CDK’s counterclaims against Dealers.” CDK does not believe any supplemental briefing is warranted, but reserves its right to respond to any supplemental filing Dealers may seek to submit.

Dated: November 3, 2020

/s/ Derek T. Ho

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Derek T. Ho, an attorney, hereby certify that on November 3, 2020, I caused a true and correct copy of the foregoing **STATEMENT BY AUTHENTICOM AND CDK CONCERNING EFFECT OF SETTLEMENT ON PENDING MDL MOTIONS** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Derek T. Ho

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